

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN JUDAH MICHALEK,

CASE NO. C19-6023 BHS

Petitioner,

ORDER ADOPTING REPORT AND RECOMMENDATION

DAVID FORTINO,

Respondent.

This matter comes before the Court on the Report and Recommendation ("R&R")

of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 41. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
 - (2) Petitioner's petition for habeas corpus (Dkt. 22) is **DENIED without prejudice**;
 - (3) A certificate of appealability is **DENIED**; and
 - (4) This case is closed.

Dated this 8th day of January, 2021.


BENJAMIN H. SETTLE
United States District Judge